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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/629,041	07/31/2000	Robert D. Thompson	10992275-1	4752

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EXAMINER

KAO, CHIH CHENG G

ART UNIT	PAPER NUMBER
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2882

DATE MAILED: 08/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/629,041

Applicant(s)

THOMPSON, ROBERT D.

Examiner

Chih-Cheng Glen Kao

Art Unit

2882

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 November 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 11 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Furuya (US Patent 6297873).
2. Regarding claim 11, Furuya discloses a method comprising in response to a condition (col. 1, lines 8-15) recognized by the image capture system (Fig. 1), retrieving operational data from a memory element (col. 1, lines 45-50) of a host computer (Fig. 4, #80), wherein said operational data is restricted to data from previous scans and calibrations (col. 9, lines 20 and 67, and col. 10, lines 1-10), comparing the retrieved operational data to data from an operational sensor (col. 9, line 31) of the image capture system, determining an operational condition is not within a norm (col. 10, lines 40-56), and issuing a control command to adjust said operational condition (col. 1, lines 8-14).
3. Regarding claim 19, Furuya further discloses the recognized condition as lamp temperature (col. 9, lines 38-40, and Fig. 1, #82, 52, and 54).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Israeli et al. in view of Blitz et al. (US Patent 5170267).

5. Regarding claim 11, Israeli et al. discloses a method comprising in response to a condition recognized by the image capture system (col. 13, line 44), retrieving operational data from a memory element of a host computer (col. 13, lines 46-53 and 55-61), wherein said operational data is restricted to data from previous scans and calibrations (col. 13, lines 44-49 and 53-59), comparing the retrieved operational data to data from an operational sensor of the image capture system for an operational condition not within a norm (col. 14, lines 39-45), and issuing a control command to adjust said operational condition (col. 13, lines 50-52, 60, and 61).

However Israeli et al. does not seem to specifically disclose determining an operational condition not within a norm.

Blitz et al. teaches determining an operational condition not within a norm (Abstract, lines 9-15).

Art Unit: 2882

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to modify the method of Israeli et al. with the determining step of Blitz et al., since one would be motivated to incorporate this to give an operator more flexibility during operations (Abstract) as implied from Blitz et al.

6. Regarding claim 15, Israeli et al. as modified above suggests a method as recited above.

However Israeli et al. does not seem to specifically disclose an operational condition as lamp uniformity.

Blitz et al. teaches an operational condition as lamp uniformity (col. 1, lines 29-31, and col. 4, lines 1-20).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to further modify the method of Israeli et al. with the operational condition as lamp uniformity of Blitz et al., since one would be motivated to incorporate this to insure performance of a scanner (col. 1, lines 7-12) as shown by Blitz et al.

7. Regarding claim 16, Israeli et al. further discloses a connection of a cable (Figs. 5-8, "multibus"). The connection of a cable needs to be a recognized condition; otherwise, the program would fail to operate.

8. Claims 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Israeli et al. in view of Blitz et al. as applied to claim 11 above, and further in view of Selby et al. (US Patent 6038038).

Art Unit: 2882

Israeli et al. as modified above suggests a method as recited above.

However, Israeli et al. does not seem to specifically disclose the operational condition as a gain of a CCD amplifier and DC offset.

Selby et al. teaches the operational condition as a gain of a CCD amplifier (col. 1, lines 16-29) and DC offset (Title and col. 6, lines 35-40).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to modify the method Israeli et al. as modified above with the condition as a CCD gain and DC offset of Selby et al., since one would be motivated to incorporate this for correcting non-uniformities in image scanning as shown by Selby et al. (col. 1, lines 16-29).

9. Claims 13 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Israeli et al. in view of Blitz et al. as applied to claim 11 above, and further in view of Tsai (US Patent 6529292).

Israeli et al. as modified above suggests a method as recited above.

However, Israeli et al. does not disclose the operational or recognized conditions as a home position and home position failure.

Tsai teaches the operational and recognized conditions as a home position (Title, Abstract, and col. 1, lines 53-58) and home position failure (col. 5, lines 4-21).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to modify the method of Israeli et al. as modified above with the conditions as home position and home position failure of Tsai, since one would be motivated to incorporate

Art Unit: 2882

this for proper functioning of the optical module and prevention of sufferance in quality of the scanned image (col. 1, lines 32-36) as shown by Tsai.

10. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Israeli et al. in view of Blitz et al. as applied to claim 16 above, and further in view of McVicar (US Patent 5864410).

Israeli et al. as modified above suggests a method as recited above.

However, Israeli et al. does not disclose a universal serial bus cable.

McVicar teaches a universal serial bus cable (col. 2, lines 13-24).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to modify the method of Israeli et al. as modified above with the universal serial bus cable of McVicar, since one would be motivated to incorporate this as a faster peripheral connection point for data communication and power connections (col. 2, lines 13-15) as implied from McVicar.

11. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Israeli et al. in view of Blitz et al. as applied to claim 11 above, and further in view of Gusmano et al. (US Patent 5519441).

Israeli et al. as modified above suggests a method as recited above.

However, Israeli et al. does not disclose a recognized condition as lamp temperature.

Gusmano et al. teaches a recognized condition as lamp temperature (col. 3, lines 32-41).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to modify the method of Israeli et al. as modified above with the lamp temperature condition of Gusmano et al., since one would be motivated to incorporate this to address problems of drift in offset (col. 3, lines 32-41) as shown by Gusmano et al..

12. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Israeli et al. in view of Blitz et al. as applied to claim 11 above, and further in view of Smyth (US Patent 4980759).

Israeli et al. as modified above suggests a method as recited above.

However, Israeli et al. does not disclose a recognized condition as exposure balance between color channels.

Smyth teaches a condition as exposure balance between colors (Title, col. 1, lines 64-69, and col. 2, lines 17-26).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to modify the method of Israeli et al. as modified above with color balance conditions of Smyth, since one would be motivated to incorporate this to compensate for intensity and color temperature variation (col. 1, lines 5-10) as shown by Smyth.

Response to Arguments

13. Claim objections and rejections under 35 USC 112, second paragraph, in the Office Action mailed August 8, 2003, have been withdrawn in light of the Amendment filed December 1, 2003.

Art Unit: 2882

14. Applicant's arguments with respect to claims 11-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

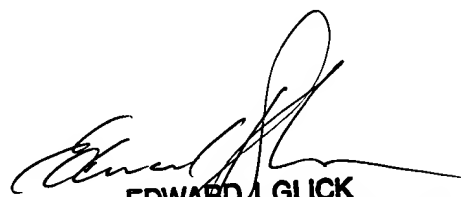
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chih-Cheng Glen Kao whose telephone number is (571) 272-2492. The examiner can normally be reached on M - F (9 am to 5 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on (571) 272-2490. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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